
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 473

SOCIAL SECURITY

**The Social Security and Child Support (Decisions and Appeals)
(Amendment No. 4) Regulations (Northern Ireland) 1999**

Made 26th November 1999

Coming into operation 29th December 1999

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 8(6), 11(6) and 74(1), (3) and (6) of the Social Security (Northern Ireland) Order 1998(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) (Amendment No. 4) Regulations (Northern Ireland) 1999 and shall come into operation on 29th December 1999.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(b) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 7(2)(c)(c) (date from which a decision superseded under Article 11 takes effect) for head (iii) there shall be substituted the following head—

“(iii) in any other case, except in the case of a decision which supersedes a disability benefit decision, or an incapacity benefit decision where there has been an incapacity determination (whether before or after the decision), from the date of the change.”.

(3) In the heading to Part V (appeal tribunals for social security, contracting-out of pensions and child support) after “PENSIONS” there shall be inserted “, VACCINE DAMAGE”.

(4) In regulation 36(2)(d) (composition of appeal tribunals) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) one or two medically qualified panel members or one medically qualified panel member and an additional member drawn from the panel for the purposes described in paragraph (5) where—

(a) S.I. 1998/1506 (N.I. 10)
(b) S.R. 1999 No. 162; relevant amending regulations are S.R. 1999 Nos. 242 and 267
(c) Sub-paragraph (c) was amended by regulation 2(5) of S.R. 1999 No. 267
(d) Regulation 36(2) was substituted by regulation 2(a) of S.R. 1999 No. 242

- (i) the issue, or one of the issues, raised on the appeal relates to industrial injuries benefit under Part V of the Contributions and Benefits Act or severe disablement allowance under section 68 of that Act, or
- (ii) the appeal is made under section 4 of the Vaccine Damage Payments Act.”.

Sealed with the Official Seal of the Department of Health and Social Services on 26th November 1999.

(L.S.)

John O'Neill

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.

Regulation 7(2)(c) is amended to provide that, where a supersession is of a decision on disability or incapacity related benefits on grounds connected with the claimant's condition and the claimant or recipient of the benefit did not know, or could not reasonably have been expected to know, of a relevant change of circumstances which he was required to report, the effective date of the supersession is the date of the superseding decision or the date of the application for the supersession (regulation 2(2)).

Regulation 36 is amended to provide for the composition of appeal tribunals to hear appeals made under section 4 of the Vaccine Damage Payments Act 1979 (c. 17) (regulation 2(4)).

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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